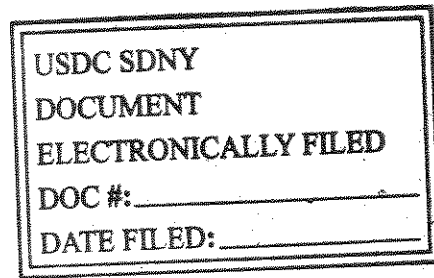


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



\_\_\_\_\_  
SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

20-cv-10582 (CM)(DCF)

-against-

KARINA CHAIREZ,

Defendant.  
\_\_\_\_\_

INSTRUCTIONS TO SEC IN RELATION TO MOTION FOR DEFAULT JUDGMENT

McMahon, J.:

On July 21, 2021, the SEC filed a motion for a default judgment against defendant Karina Chairez. The notice of motion does not comport with this court's rules for default judgment motions, in that (1) the Notice of Motion does not set out, in large type, the consequences for failing to appear and respond to the motion; and (2) there is no indication that the motion was served in the same manner as service of a summons. The court instituted these requirements long ago, in order to prevent repeated applications to reopen defaults. The Government is not exempt from this requirement in a case assigned to my docket.

I am concerned about the service of process in this case. The Summons (Docket #5) indicates that Ms. Chairez's address is 2821 Lou Ann Drive, Apt. 210, Modesto, CA 95350-6519. However, the return of service indicates that Ms. Chairez's father, not defendant, was served, and at a different address – 1434 Coffee Road, Modesto, CA 95355. The Government needs to clear this up and to make sure that service – even if substituted service – was made at the defendant's correct address. If the summons was not properly served, there has been no default.

If the summons has in fact been properly served, please reserve the motion as indicated. Make the motion returnable in no less than 45 days, and be sure that the notice of motion clearly indicates the last date for her to respond. Consult my rules for details.

Be advised that I have made inquiries of my colleague Judge Daniels as to the status of the related criminal case, which is pending before him.

Dated: September 9, 2021



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U.S.D.J.

BY ECF TO PLAINTIFF

BY FIRST CLASS MAIL TO DEFENDANT at the following addresses:

2821 Lou Ann Drive  
Apt. 210  
Modesto, CA 95350-6519

1434 Coffee Road  
Modesto, CA 95355